

Appl. No. : 10/618,900  
Filed : July 14, 2003

### REMARKS

Claim 1 has been amended to clarify the invention, and claim 26 has been added. Support can be found in Figs. 2A and 3, for example. No new matter has been added. Applicant respectfully requests entry of the amendments and reconsideration of the application.

#### Rejection of Claims 1, 5-7, 9-11, 22, and 24 Under 35 U.S.C. § 102

Claims 1, 5-7, 9-11, 22, and 24 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Horie (US 5951923).

The Office action states: “[Horie teaches] said vaporization surface (14; Figure 3A) having pores (17; Figure 3A; column 6, line 61 - column 7, line 5) distributed exclusively at its outer periphery.” *The Office action* at page 3, lines 11-13 (emphasis in original).

Claim 1 is independent and has been amended to clarify the invention. Claim 1 as amended herein recites, among others: “said vaporization surface having pores distributed exclusively at its outer periphery, said pore penetrating the vaporization surface in a thickness direction of the evaporation plate.”

However, Horie states: “As shown in FIGS. 3A, 3B and 4, gas flow grooves 17 are formed on the wall of the inner shell side of the vaporizing passage R” (column 5, lines 61-63). The grooves 17 are formed **on and along** the wall of the inner shell side and do **not penetrate** the wall in the thickness direction of the wall. The inside of the shell is used for a heating medium (column 9, lines 63-66), and thus, in Horie, the grooves 17 **cannot** penetrate the wall. Thus, the pores recited in claim 1 and the grooves in Hore are structurally and operationally very different.

Claim 16 has been added to more clearly recite the above feature.

Accordingly, each and every element of claim 1 cannot be found in Horie. Thus, at least for this reason, claim 1 cannot be anticipated by Horie, and the remaining reasons for rejection are now moot. Further, the remaining claims depend ultimately from claim 1, and at least for this reason, the remaining claims also cannot be anticipated by Horie. Applicant respectfully requests withdrawal of this rejection.

#### Rejection of Claims 2-4, 8, and 23 Under 35 U.S.C. § 103

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Claims 2-4, 8, and 23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Horie in view of Strang (US 20040129217).

Claims 2-4, 8, and 23 depend ultimately from claim 1. Strang is irrelevant to the feature discussed above in relation to claim 1. Thus, a combination of Horie and Strang cannot lead to claim 1 and the remaining dependent claims including claims 2-4, 8, and 23. Accordingly, at least for this reason, claims 2-4, 8, and 23 cannot be obvious over Horie and Strang, alone or combined. The remaining reasons for rejection are moot. Applicant respectfully requests withdrawal of this rejection.

#### CONCLUSION

In light of the Applicant's amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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